

Notice of Allowability

Application No.

10/693,724

Examiner

Robert M. Pond

Applicant(s)

MILLER ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment(6/27/06) and Reasons for Allowance (Paper# 20061015).
2. ☒ The allowed claim(s) is/are 1.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20061004; 20061012</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

Allowed Claims

Claim 1 is allowable over the prior art of record as entered on 27 June 2006.

No claims were canceled or withdrawn.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The field of invention pertains to electronic transactions and specifically relates to building trust into electronic commerce utilizing the four-corner trust model.

Pertaining to method claim 1: no prior art of record discloses nor teaches and suggests the combination of a) receiving a request for a warranty from a subscriber (i.e. subscribing party or subscribing customer) to whom the entity issued a digital certificate, the request for the warranty specifying a warranted amount and claim period, and b) transmitting a message that confirms issuance of the requested warranty, the message being digitally signed by a component maintained by the entity, the warranty comprising a contract between the entity and the subscriber, a relying party being a third-party beneficiary to the contract.

Closest Prior Art- US Patents and Patent Publications

US 6,353,812 (Frankel et al.)

Frankel discloses a system and method of providing warranties against various aspects of a transaction. Frankel discloses in Fig. 1 a four-corner trust model and with subsequent figures showing various transaction arrangements using the four-corner trust model. Frankel discloses the subscribing customer as the requestor and warrantee, the relying customer as the requestor and subject of the warranty with the subscribing customer as the warrantee. Frankel fails to disclose the subscribing customer requesting a warranty wherein the relying party is the beneficiary. Frankel further fails to disclose a) the relying party sending a validation request to a relying participant in communication with the subscribing customer's trust entity, b) assigning a warranty cap to an entity that issues digital certificates, and c) tracking the warranty volume for the entity.

US 5,903,882 (Asay et al.)

Frankel discloses Asay as being incorporated in its entirety. Asay discloses a reliance manager but fails to disclose the subscribing customer requesting a warranty wherein the relying party is the beneficiary. Furthermore, Asay teaches a reliance manger, issuing warranties, but in the course of transacting business between a subscribing customer and relying party, teaches away from the four-corner trusted model. Asay discloses a relying party being the beneficiary of a

warranty but fails to disclose the subscribing customer requesting a warranty on a per transaction basis. In Asay, the relying party requests the warranty.

Neither Frankel and/or Asay alone or in combination disclose, teach and suggest the combination a) receiving a request for a warranty from a subscriber (i.e. subscribing party or subscribing customer) to whom the entity issued a digital certificate, the request for the warranty specifying a warranted amount and claim period, and b) transmitting a message that confirms issuance of the requested warranty, the message being digitally signed by a component maintained by the entity, the warranty comprising a contract between the entity and the subscriber, a relying party being a third-party beneficiary to the contract.

Please note: forward and reverse search citations based on Frankel and Asay failed to disclose the combination of a) receiving a request for a warranty from a subscriber (i.e. subscribing party or subscribing customer) to whom the entity issued a digital certificate, the request for the warranty specifying a warranted amount and claim period, and b) transmitting a message that confirms issuance of the requested warranty, the message being digitally signed by a component maintained by the entity, the warranty comprising a contract between the entity and the subscriber, a relying party being a third-party beneficiary to the contract.

Moses, Adams, Ginter as cited in PTO-892

Each of the above patents discloses aspects of a reliance model and/or four-corner trust model but fail to disclose the claimed invention.

Closest Non-Patent Literature

Solomon (PTO-892, Item: U)

Solomon discloses Identrus (Assignee of the instant application) and discloses by example, a high level view of how the Identrus method works. Solomon discloses limits that forbid a bank from issuing total warranties greater than its capitalization, and further discloses monitoring all member banks' financial status to make sure they don't exceed certain thresholds. Solomon discloses a subscriber party signing an electronic purchase order with a PKI certificate that includes the digital signature of Identrus (root entity), the receiver optionally validating the identity of the sender's bank and any warranty the document came with. Solomon fails to at least disclose the subscribing party requesting the warranty, the relying party being the third-party beneficiary.

Please note: searches were conducted on Identrus but the above disclosure by Solomon was the closest prior art discussing Identrus' methods. Searches produced documents pertaining to competing players (e.g. ABAecom, Verisign) but failed to provide useful prior art pertinent to Applicant's claimed invention.

Solomon alone or in combination with Frankel and Asay, or other prior art reviewed does not teach and suggest the combination a) receiving a request for a warranty from a subscriber (i.e. subscribing party or subscribing customer) to whom the entity issued a digital certificate, the request for the warranty specifying a warranted amount and claim period, and b) transmitting a message that confirms issuance of the requested warranty, the message being digitally signed

by a component maintained by the entity, the warranty comprising a contract between the entity and the subscriber, a relying party being a third-party beneficiary to the contract.

Other non-patent literature pertaining to Identrus, supporting companies, and competing services are cited in PTO-892, Items:V-UUU.

Closest Foreign Documents

WO 99/22291 (Watson)

Watson discloses a system and method for pre-authorization of individual account transaction. Watson fails to disclose the combination of a) receiving a request for a warranty from a subscriber (i.e. subscribing party or subscribing customer) to whom the entity issued a digital certificate, the request for the warranty specifying a warranted amount and claim period, and b) transmitting a message that confirms issuance of the requested warranty, the message being digitally signed by a component maintained by the entity, the warranty comprising a contract between the entity and the subscriber, a relying party being a third-party beneficiary to the contract.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'R. M. Pond', written in a cursive style.

Robert M. Pond
Primary Examiner
October 15, 2006